

AMENDED IN SENATE APRIL 20, 2009

Senate Concurrent Resolution

No. 20

Introduced by Senator Liu

March 9, 2009

Senate Concurrent Resolution No. 20—Relative to the Children of Incarcerated Parents Bill of Rights.

LEGISLATIVE COUNSEL'S DIGEST

SCR 20, as amended, Liu. Children of Incarcerated Parents Bill of Rights.

This measure would ~~adopt the~~ *encourage designated entities to distribute the* Children of Incarcerated Parents Bill of Rights, ~~and would encourage designated entities to distribute the bill of rights~~ to identified children of incarcerated parents, and to invite discussion and encourage relevant departments to use the bill of rights as a framework for analysis and determination of procedures when making decisions about services for these children.

Fiscal committee: yes.

- 1 WHEREAS, As many as 1 in 10 children have a parent who is
2 in jail, prison, or on parole or probation; and
3 WHEREAS, Over the last 15 years, federal and state
4 governments have expanded and lengthened criminal sentences,
5 particularly for drug offenses, incarcerating an increasing number
6 of adults. An unintended consequence of this rapid increase in
7 adult incarceration has been the growing number of children whose
8 parents are, or have been, in jail or prison; and
9 WHEREAS, The California sample of this national survey found
10 that two-thirds of the state's male prison inmates and 79 percent

1 of the state’s female prison inmates were parents, with an average
2 of 2.5 children for the men and 2.9 children for the women. Still,
3 state law provides very limited direction on how criminal justice
4 authorities should interact with the families and children of
5 prisoners; and

6 WHEREAS, Studies indicate that maintaining family bonds
7 during incarceration reduces recidivism for parents and improves
8 outcomes for children; and

9 WHEREAS, The San Francisco Children of Incarcerated Parents
10 Partnership (SFCIPP) has developed a bill of rights for children
11 of incarcerated parents and has turned it into a resolution for the
12 city; and

13 WHEREAS, *The San Francisco CIPP bill of rights states the*
14 *following:*

15 “*San Francisco Children of Incarcerated Parents: A Bill of*
16 *Rights*

17 *(1) I have the right to be kept safe and informed at the time of*
18 *my parent’s arrest.*

19 *(2) I have the right to be heard when decisions are made about*
20 *me.*

21 *(3) I have the right to be considered when decisions are made*
22 *about my parent.*

23 *(4) I have the right to be well cared for in my parent’s absence.*

24 *(5) I have the right to speak with, see and touch my parent.*

25 *(6) I have the right to support as I face my parent’s*
26 *incarceration.*

27 *(7) I have the right not to be judged, blamed, or labeled because*
28 *my parent is incarcerated.*

29 *(8) I have the right to a lifelong relationship with my parent”;*
30 *now, therefore, be it*

31 ~~WHEREAS, This bill of rights gives the child the right to be~~
32 ~~kept safe and informed at the time of the parent’s arrest. California~~
33 ~~will strive to develop arrest protocols that support and protect~~
34 ~~children and offer children and their caregivers basic information~~
35 ~~about the postarrest process whenever possible; and~~

36 ~~WHEREAS, This bill of rights gives the child the right to be~~
37 ~~heard when decisions are made about him or her. California will~~
38 ~~strive to train staff at institutions whose constituency includes~~
39 ~~children of incarcerated parents to recognize and address these~~
40 ~~children’s needs and concerns; and~~

1 ~~WHEREAS, This bill of rights gives the child the right to be~~
2 ~~considered when decisions are made about his or her parent.~~
3 ~~California will strive to review current sentencing law in terms of~~
4 ~~its impact on children and families, turn arrest into an opportunity~~
5 ~~for family preservation, and include a family impact statement in~~
6 ~~presentence investigation reports; and~~

7 ~~WHEREAS, This bill of rights gives the child the right to be~~
8 ~~well cared for in his or her parent's absence. California will strive~~
9 ~~to support children by supporting their caretakers and offer~~
10 ~~subsidized guardianship; and~~

11 ~~WHEREAS, This bill of rights gives the child the right to speak~~
12 ~~with, see, and touch his or her parent. California will strive to~~
13 ~~provide access to visiting rooms that are child-centered,~~
14 ~~nonintimidating and conducive to bonding, consider proximity to~~
15 ~~family when siting prisons and assigning prisoners, and encourage~~
16 ~~child welfare departments to facilitate contact; and~~

17 ~~WHEREAS, This bill of rights gives the child the right to~~
18 ~~support as they face his or her parent's incarceration. California~~
19 ~~will strive to train adults who work with young people to recognize~~
20 ~~the needs and concerns of children whose parents are incarcerated;~~
21 ~~and provide access to specially trained therapists, counselors, and~~
22 ~~mentors; and~~

23 ~~WHEREAS, This bill of rights gives the child the right not to~~
24 ~~be judged, blamed, or labeled because his or her parent is~~
25 ~~incarcerated. California will strive to create opportunities for~~
26 ~~children of incarcerated parents to communicate with and support~~
27 ~~each other and consider different responses when a parent is~~
28 ~~arrested; and~~

29 ~~WHEREAS, This bill of rights gives the child the right to a~~
30 ~~lifelong relationship with his or her parent. California will strive~~
31 ~~to reexamine the Adoption and Safe Families Act, designate a~~
32 ~~family services coordinator at prisons and jails, support~~
33 ~~incarcerated parents upon reentry, and focus on rehabilitation and~~
34 ~~alternatives to incarceration; and~~

35 ~~WHEREAS, The state, by adopting a bill of rights for children~~
36 ~~with incarcerated parents, can improve its rate of recidivism and~~
37 ~~improve outcomes for the youth by striving to: increase access to~~
38 ~~jail visiting facilities that are child-centered, provide transportation~~
39 ~~for the children to visit their incarcerated parents, provide~~
40 ~~opportunities with adults who are trained to address the unique~~

1 needs of children of incarcerated parents, and create opportunities
2 for children of incarcerated parents to communicate with and
3 support each other; now, therefore, be it

4 *Resolved by the Senate of the State of California, the Assembly*
5 *thereof concurring*, That, the Legislature hereby ~~adopts this bill~~
6 ~~of rights for children of incarcerated parents. Appropriate entities~~
7 ~~including, but not limited to,~~ *encourages* the State Department of
8 Social Services, the Department of Corrections and Rehabilitation,
9 the Office of the State Foster Care Ombudsperson, schools, relevant
10 nonprofit organizations, law enforcement agencies, and other
11 departments that interact with children of incarcerated parents ~~are~~
12 ~~encouraged~~ to distribute this bill of rights *created by the San*
13 *Francisco Children of Incarcerated Parents Partnership* to
14 identified children of incarcerated parents, utilizing available funds;
15 and be it further

16 *Resolved*, That these entities are encouraged to invite discussion
17 and encourage relevant departments to use this bill of rights as a
18 framework for analysis and determination of procedures when
19 making decisions about services for the children of incarcerated
20 parents; and be it further

21 *Resolved*, That the Secretary of the Senate transmit copies of
22 this resolution to the author for appropriate distribution.